

Message Text

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INFO OCT-01 EUR-12 NEA-10 ISO-00 L-03 EB-07 CCO-00 CIAE-00

DODE-00 DOTE-00 H-02 INR-07 IO-13 NSAE-00 NSC-05

NSCE-00 SP-02 OC-06 PRS-01 SS-15 USIE-00 USSS-00

SY-05 FAA-00 WRD-01 SCA-01 PA-01 USIA-06 /099 R

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NEA/INS-DKUX

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R 271306Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY ISLAMABAD

AMEMBASSY NEW DELHI

INFO AMCONSUL MONTREAL

C O N F I D E N T I A L STATE 239459

MONTREAL FOR USREP ICAO

E.O. 11652: GDS

TAGS: EAIR, PFOR, PINS, PK, IN

SUBJECT: INDIAN AIRLINES HIJACKING

REF: A)ISLAMABAD 9726; B)NEW DELHI 13873

1. DEPARTMENT AGREES WITH VIEW EXPRESSED REF A THAT
PAKISTANI AUTHORITIES HANDLED HIJACKING SITUATION CARE-
FULLY BUT THAT MISSTEPS ARE STILL POSSIBLE. REDDY ARTICLE
REPORTED REF B, UNDOUBTEDLY INSPIRED BY MINISTRY OF
EXTERNAL AFFAIRS IN EFFORT TO HURRY PAKISTANI INQUIRY
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AND STRENGTHEN CASE FOR EXTRADITION, TAKES DIFFERENT AND

DISTURBING DIRECTION FROM EARLIER INDIAN EFFORTS AT LAHORE TO HANDLE AFFAIR QUIETLY.

2. WHEN PAKISTANI AUTHORITIES DISCUSS THEIR FINDINGS WITH EMBASSY ISLAMABAD REPRESENTATIVES, AS PRESAGED REF A, YOU SHOULD AVAIL YOURSELVES OF OPPORTUNITY TO COMMEND RESPONSIBLE AND EFFECTIVE PAKISTANI HANDLING OF HIJACKING. CITING PRESENCE OF TWO US CITIZENS ABOARD HIJACKED AIRCRAFT AND US AND PAKISTANI RATIFICATION OF HAGUE CONVENTION, YOU SHOULD ALSO RECALL PAKISTANI OBLIGATION UNDER TERMS OF CONVENTION TO PRESENT FOR PROSECUTION OR EXTRADITE HIJACKERS. YOU SHOULD POINT OUT THAT US IS FULLY COGNIZANT OF

DELICACY OF SITUATION AND DOES NOT PREFER ONE COURSE OVER OTHER. (NOTE: REDDY IS IN ERROR IN PARA 4 OF HIS STORY; PAKISTAN RATIFIED HAGUE CONVENTION IN 1973.)

3. FYI - RELEVANT SECTIONS OF HAGUE CONVENTION FOR SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT READ AS FOLLOWS: ARTICLE 6 - "UPON BEING SATISFIED THAT THE CIRCUMSTANCES SO WARRANT, ANY CONTRACTING STATE IN THE TERRITORY OF WHICH THE OFFENDER OR THE ALLEGED OFFENDER IS PRESENT, SHALL TAKE HIM INTO CUSTODY OR TAKE OTHER MEASURES TO ASSURE HIS PRESENCE. THE CUSTODY AND OTHER MEASURES SHALL BE AS PROVIDED IN THE LAW OF THAT STATE BUT MAY ONLY BE CONTINUED FOR SUCH TIME AS IS NECESSARY TO ENABLE ANY CRIMINAL OR EXTRADITION PROCEEDING TO BE INSTITUTED." ARTICLE 7 - "THE CONTRACTING STATE IN THE TERRITORY OF WHICH THE ALLEGED OFFENDER IS FOUND SHALL, IF IT DOES NOT EXTRADITE HIM, BE OBLIGED, WITHOUT EXCEPTION WHATSOEVER AND WHETHER OR NOT THE OFFENSE WAS COMMITTED IN ITS TERRITORY, TO SUBMIT THE CASE TO ITS COMPETENT AUTHORITIES FOR THE PURPOSE OF PROSECUTION. THOSE AUTHORITIES SHALL TAKE THEIR DECISION IN THE SAME MANNER AS IN THE CASE OF ANY ORDINARY OFFENSE OF A SERIOUS NATURE UNDER THE LAW OF THAT STATE." END FYI

4. AMEMBASSY NEW DELHI SHOULD FIND APPROPRIATE OPPORTUNITY TO COMMEND GOI OFFICIALS FOR THEIR RESTRAINT AND DISCRETION IN DEALING WITH HIJACKING. REDDY ARTICLE PRE-CONFIDENTIAL

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SUMABLY OFFERS EMBASSY AN OPENING FOR URGING ON GOI THE ADVANTAGES OF EXPEDITIOUS INDIAN RATIFICATION OF THE HAGUE AND MONTREAL CONVENTIONS. KISSINGER

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